



22241061

PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Young W. Choi, 230645 State Compensation Insurance Fund Mailing: P.O. Box 28917, Fresno, CA 93729-8917 Physical: 900 Corporate Center Drive, 4th Flr., Monterey Park, CA 91754 TELEPHONE NO: (916) 924-5109 FAX NO. (Optional): (408) 882-2005 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): State Compensation Insurance Fund		FOR COURT USE ONLY FILED ALAMEDA COUNTY APR 25 2019 CLERK OF THE SUPERIOR COURT By <u>[Signature]</u> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon St. MAILING ADDRESS: CITY AND ZIP CODE: Oakland 94612 BRANCH NAME:		
PLAINTIFF: State Compensation Insurance Fund DEFENDANT: TESLA, INC. and <input checked="" type="checkbox"/> DOES 1 TO 100		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> Other Damages (specify): See par. 10 & 11		CASE NUMBER: <u>RC 19016455</u>
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		

1. Plaintiff (name or names): State Compensation Insurance Fund
alleges causes of action against defendant (name or names):
TESLA, INC. and DOES 1 to 100
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
 - a. ☒ except plaintiff (name): State Compensation Insurance Fund
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☒ a public entity (describe): A public enterprise fund of the State of California
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
 - b. ☐ except plaintiff (name):
 - (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe):
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.



SHORT TITLE:

STATE FUND v. TESLA, INC., et al.

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): TESLA, INC.(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):c. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 through 100 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 1 through 100 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

SHORT TITLE:

CASE NUMBER:

STATE FUND v. TESLA, INC., et al.

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☒ Other (*specify*):

Reimbursement of workers' compensation benefits paid as a proximate result of injury to employee Eustolia Villasenor.

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☐ hospital and medical expenses
- d. ☐ general damage
- e. ☐ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (*specify*):

Workers' compensation benefits paid as a proximate result of injuries to employee Eustolia Villasenor.

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

All paragraphs to all causes of action of this complaint.

Date: 04/25/2019

Young W. Choi, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

STATE FUND v. TESLA, INC., et al.

CASE NUMBER:

1
(number)**CAUSE OF ACTION—General Negligence**

Page _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): State Compensation Insurance Fund

alleges that defendant (name): TESLA, INC. and

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 04/25/2017

at (place): 45500 Fremont Boulevard, Fremont, CA 94538 ("Premises")

(description of reasons for liability):

GN-2 - At said time and place, Eustolia Villasenor tripped and fell as a result of a dangerous condition(s) on the Premises.

GN-3 - At said time and place, and at all relevant times prior, defendants so negligently managed, supervised, coordinated, organized, directed, and participated in the ongoing project or projects, including any and all construction work, on the Premises and in the area where Eustolia Villasenor was injured so as to proximately cause injury and damage to her and State Compensation Insurance Fund.

GN-4 - As a proximate result of defendants' negligence, Eustolia Villasenor suffered a workers' compensation injury compensable under the labor code and her injuries arose out of and in the course of her employment with CMF Group Group, Inc. then insured for workers' compensation with plaintiff State Compensation Insurance Fund. As a further proximate result of defendants' negligence, plaintiff became obligated to pay, has paid, and will in the future have to pay workers' compensation benefits to or on behalf of Eustolia Villasenor as a result of her accident-related injuries.

GN-5 - Plaintiff does not know the true names and capacities of any of the fictitiously named defendants herein, i.e., DOES 1 to 100. Plaintiff is informed and believes and thereon alleges that each fictitiously named defendant in this complaint is responsible in some manner for the occurrences herein alleged and that plaintiff's and Eustolia Villasenor's damages and injuries as herein alleged were proximately caused by each such defendant. When the true capacities and/or names of the any fictitiously named defendant is ascertained, this complaint will be amended accordingly. Furthermore, all defendants named in this complaint are liable under California Labor Code sections 3850, et seq., including DOES 1 to 100.

GN-6 - Plaintiff alleges as though fully set forth herein, allegation to this complaint, including all allegations in the premises liability cause of action, as though fully set forth herein.

SHORT TITLE:

STATE FUND v. TESLA, INC., et al.

CASE NUMBER:

2

(number)

CAUSE OF ACTION—Premises Liability

Page _____

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): State Compensation Insurance Fund

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): 04/25/2017

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

Plaintiff incorporates and alleges all allegations of the complaint, including paragraph GN-1 through GN-6, inclusive, as though fully set forth herein. At the above stated time and at all relevant times prior, defendants so negligently owned, maintained, managed, operated, and controlled the premises located at 45500 Fremont Boulevard, Fremont, CA 94538 ("Premises") so as to proximately cause injury and damage to Eustolia Villasenor and State Compensation Insurance Fund.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names):
TESLA, INC.

☒ Does 51 to 100

Prem.L-3. ☐ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names):

☐ Does _____ to _____Plaintiff, a recreational user, was ☐ an invited guest ☐ a paying guest.

Prem.L-4. ☐ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names):

☐ Does _____ to _____

a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):
TESLA, INC. and

☒ Does 1 to 100

b. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are
☐ described in attachment Prem.L-5.b ☒ as follows (names):

See paragraph GN-5 incorporated herein.